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Jagadish Bandhole

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

SHINGLES, KRISTIE D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/888,110	Applicant(s) BANDHOLE ET AL.	
	Examiner KRISTIE D. SHINGLES	Art Unit 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

No claims have been amended.

Claims 1-24 are pending examination.

Response to Arguments

I. In view of the Appeal Brief filed on 9/8/2008, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

II. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2441

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. **Claims 1 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Raja et al* (US 7,058,947) in view of *Devanbu* (US 6,681,371).**

a. **Per claim 1, *Raja et al* teach a method for collaborative computing in a system**
the method comprising:

- allocating a dynamic computing environment using a first user interface, wherein the dynamic computing environment comprises at least one resource of a plurality of resources, and the dynamic computing environment is allocated by virtue of allocating the at least one resource (*Abstract, col.2 lines 43-48, col.5 lines 7-19—provision for allocation of memory and applications using a user interface*);
- executing an application on the at least one resource using either the first user interface or the second user interface (*col.3 lines 18-29, col.7 lines 23-63*);
- transferring information generated by execution of the application to the first user interface (*col.11 line 19-col.12 line 18, col.13 line 64-col.14 line 66*); and
- transferring the information generated by execution of the application to the second user interface (*col.26 line 64-col.27 line 42, col.27 line 46-col.28 line 15—provision for transferring application data*).

Raja et al fail to explicitly teach sharing the at least one resource between the first user interface and the second user interface and transferring the information generated by execution of the application to the second user interface in response to a command to collaborate with the second user interface, wherein the first user interface and the second user interface are at least in part provided by software executing on respective first and second devices separate from

Art Unit: 2441

the dynamic computing environment. However, *Devanbu* teaches users sharing resources via the shared view of their respective user interfaces, wherein the user interfaces are on separate user devices which provide for communication and collaboration via in a shared computing environment for multiple users (*col.3 lines 1-23, col.4 line 23-col.5 line 18*).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Raja et al* with *Devanbu* to provision the sharing of resources between users by providing collaboration tools on each user device for implementing collaborative and sharing commands between the users. Collaborative, conferencing and sharing systems between multiple users on remote systems are well-known in the networking art.

b. **Per claim 2**, *Raja et al* with *Devanbu* teach the method of claim 1, *Devanbu* further teaches the method further comprising modifying the information in the first user interface by interacting with the at least one shared resource through the first user interface (*col.3 lines 26-66, col.6 lines 29-65*).

c. **Per claim 3**, *Raja et al* with *Devanbu* teach the method of claim 1, *Devanbu* further teaches the method further comprising modifying the information in the second user interface by interacting with the at least one shared resource through the second user interface (*col.3 lines 26-66, col.6 lines 29-65*).

d. **Per claim 4**, *Raja et al* with *Devanbu* teach the method of claim 1, *Devanbu* further teaches the method further comprising switching control to modify the information between the first and second user interface (*col.6 lines 3-65, col.7 lines 2-33*).

Art Unit: 2441

V. Claims 5-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Devanbu* (US 6,681,371) in further view of *McNally et al* (US 6,259,448).

a. **Per claim 5**, *Devanbu* teaches a method for providing sharing of a software process among multiple users, the method comprising:

- a distributed computing environment by virtue of allocating a first user computer and a second user computer (*col.3 lines 1-23, col.4 line 23-col.5 line 18, col.6 lines 3-65*);
- using a resource computer to transmit information about execution of the process to the first user computer, wherein the resource computer executes the process in a first location, and a first user operates the first user computer in a second location (*col.4 lines 33-56—server resource computer executes process in a remote first user device*); and
- using the resource computer to transmit information about the execution of the process to the second user computer, wherein a second user operates the second user computer in a third location, and the first user computer and the second user computer comprise the distributed computing environment (*col.3 lines 1-24, col.4 lines 33-56, col.6 lines 53-65—server resource computer transmits information to a remote second user device for implementing the shared computing and distribution environment*).

Although *Devanbu* clearly teaches the provision of multiple users on separate devices sharing the same server “room” or view for collaborative purposes (*col.4 lines 35-56*), which implies that the server is allocating the necessary resources for the shared room/view environment—*Devanbu* fails to explicitly state that the distributed computing environment itself is allocated. However *McNally et al* explicitly teaches the implementation of a distributed computing environment comprising a given set of machines providing and acting as allocate-able resources wherein the distributed computing environment is deployed form a user interface (*col.2 lines 1-65*).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Devanbu* with *McNally et al* for the purpose

Art Unit: 2441

of provisioning implementing and deploying a distributed computing environment from different locations using a server and user interface to allocate, deallocate resources and transmit control information to the devices of the distributed computing environment. Implementing virtual and collaborative environments via virtual machine resources is a well-known technique in the art used to provide users with remote access to networked resources and other users.

b. **Claim 18** contains limitations that are substantially similar to claims 1 and 5 and is therefore rejected under the same basis.

c. **Per claim 6**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches the method further comprising controlling the resource computer with the first user computer (*col.3 line 45-col.4 line 6, col.4 lines 33-42; McNally et al: col.2 lines 30-40*).

d. **Per claim 7**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches the method further comprising controlling the resource computer with the second user computer (*col.6 lines 3-65, col.7 lines 2-33; McNally et al: col.2 lines 30-40*).

e. **Per claim 8**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches the method further comprising switching control of the resource computer between the first and second user computers (*col.6 lines 3-65, col.7 lines 2-33*).

f. **Claim 11** is substantially equivalent to claim 8 and is therefore rejected under the same basis.

g. **Per claim 9**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches the method further comprising modifying the information using the first user computer (*col.3 lines 26-66, col.6 lines 29-65*).

Art Unit: 2441

h. **Per claim 10**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches the method further comprising modifying the information using the second user computer (*col.3 lines 26-66, col.6 lines 29-65*).

i. **Per claim 12**, *Devanbu* with *McNally et al* teach the method of claim 5, *McNally et al* further teaches wherein the shared software process is an operating system (*col.6 lines 9-11*).

j. **Per claim 13**, *Devanbu* with *McNally et al* teach the method of claim 5, *Devanbu* further teaches wherein the shared software process is a user interface controller (*col.3 line 45-col.4 line 6, col.4 lines 33-42*).

k. **Claim 14** is substantially similar to claim 13 and is therefore rejected under the same basis.

l. **Per claim 19**, *Devanbu* with *McNally et al* teach the system of claim 18, *Devanbu* further teaches wherein the dynamic computing environment is remotely located from the second and third location (*Figures 1 and 3, col.3 lines 1-23, col.3 line 454-col.4 line 6*).

m. **Claim 20** is substantially similar to claim 19 and is therefore rejected under the same basis.

n. **Claim 21** is substantially similar to claims 8 and 13 and is therefore rejected under the same basis.

Art Unit: 2441

VI. Claims 15-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Devanbu* (US 6,681,371) in view of *McNally et al* (US 6,259,448) in further view of *Ansberry et al* (US 5,887,170).

a. **Per claim 16**, *Devanbu* with *McNally et al* teach the method of claim of 5 as applied above, yet fails to explicitly teach the method wherein the system is used in technical support. However, *Ansberry et al* disclose the usability of the system extended to collaborative and non-collaborative distributed computing environments where a conferencing session may be manipulated, thus the examples demonstrate technical support and teamwork situations which may also be implemented in training or usability studies (*col.7 line 66-col.8 line 31*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Devanbu* and *McNally et al* with *Ansberry et al* for the purpose of implementing the system in training, technical support or usability studies environments since these the collaborative and cooperative nature of system would be ideal in such environments linking together users and devices across a network.

b. **Claims 15, 17 and 22-24** are substantially similar to claim 16 and are therefore rejected under the same basis.

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nason et al (6630943), Spencer et al (6877027).

Art Unit: 2441

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888.

The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
Art Unit 2441

/KDS/

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444